

REMARKS

Applicant has canceled claims 1-30 and added new claims 31-60. The new claims are allowable over previously cited art. The applicant respectfully request the allowance of the new claims.

In the advisory Action mailed November 17, 2004 the examiner rejected the applicants arguments over US5,874,986 (Gibbon). The applicant has amended the claims to more distinctly present the novel elements of the invention. The present invention provides in part for out of order downloading of portions of a file. A selected portion is requested for download and is downloaded before downloading earlier portions of the file. Gibbon is directed to a server providing selected frames of a video file while downloading the video file. The selected frames are selected at the server performing the download. The requestor requests the video file and the server determined frames are sent to the requestor independent of any requestor initiated portion request. Gibbon is silent on providing a client determined portion of a file in advance of preceding portions of a file as shown in the new claims. The applicant respectfully submits that the new claims are allowable, which allowance is requested.

It is respectfully submitted that the application is now in condition for allowance, which allowance is respectfully requested.

RESPECTFULLY SUBMITTED

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